

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN ERIC SCOTT, :
Plaintiff, : ORDER
-against- : 08-CV-2338 (ENV) (VVP)
MICHAEL CHERTOFF, Secretary of Homeland :
Security, MICHAEL B. MUKASEY, Attorney :
General of the United States, CHRISTOPHER :
SHANAHAN, Field Office Director of the New York :
Immigration and Customs Enforcement Bureau of the :
Department of Homeland Security, Office of :
Detention and Removal Operations, THE UNITED :
STATES DEPARTMENT OF HOMELAND :
SECURITY, AND THE UNITED STATES :
DEPARTMENT OF JUSTICE, :
Defendants. :
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VITALIANO, D.J.

On Friday, May 8, 2009, plaintiff Kevin Scott, through his attorney, filed a proposed order to show cause for a preliminary injunction staying his removal from the United States during the pendency of this action. See Docket Entry No. 9. The Court signed the Order on Monday, May 11 and scheduled a hearing on the preliminary injunction motion for May 20, 2009.¹ Also on May 11, the Clerk's Office received and subsequently docketed an Emergency Motion for a Stay of Deportation, a document which appears to have been filed by Mr. Scott directly, rather than through counsel of record. See Docket Entry No. 13.

As Mr. Scott's May 11 emergency motion is duplicative of the pending preliminary injunction motion filed by his counsel and scheduled for argument, and because it was

¹ The United States Attorney's Office represents that it has "advised United States Immigration and Customs Enforcement not to execute [Mr. Scott's] removal order until this issue is resolved." See Docket Entry No. 12.

improperly filed by plaintiff himself, rather than through counsel of record, that motion is denied.

SO ORDERED.

Dated: Brooklyn, New York
May 14, 2009

s/ENV
ERIC N. VITALIANO
United States District Judge